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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,058	09/05/2003	Jonathan DeLine	U02-0161.36	2057

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EXAMINER
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NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/605,058

Applicant(s)

DELINE, JONATHAN

Examiner

Khai M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/12/2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is response to Amendment filed on 9/12/2005  
Claims 1-12 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al. (U.S.Pub-20030003907) in view of Allen et al. (U.S.Pub-20030041332).

Regarding claim 1, Lai teaches a remote control device (RCD) (fig.1, element 40) comprising:

a second wireless interface for communicating with a mobile phone (fig.1, paragraph 0030-0031);

a speaker for outputting audio signals received from the mobile phone  
(paragraph 0040);

a microphone for receiving audio signals to be transmitted to the mobile phone  
(paragraph 0040); and

a processor for processing wireless signals and data communicated between the  
RCD and the mobile phone (fig.1, paragraph 0030-0031), wherein the RCD:

receives a control signal and data from the mobile phone in response to the  
mobile phone receiving a wireless control signals and data from a digital cellular  
network (DCN) (paragraph 0042-0044); and

processes the received control signals and data from the mobile phone  
(paragraph 0042-0044).

Lai et al. fails to specifically discloses a first wireless interface for controlling one or more peripheral devices. However, Allen teaches a first wireless interface for controlling one or more peripheral devices (paragraph 0022, 0024). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a first wireless interface for controlling one or more peripheral devices as taught by Allen with Lai teaching in order to providing system and method for mitigating interruptions during television viewing, particularly with respect to interruptions caused by incoming communication requests.

Regarding claim 2, Lai and Allen further teaches the RCD of claim 1 wherein the control signals and data received by the RCD from the mobile phone is an audio signal used for establishing a telephone call (see Lai, paragraph 0042-0044, see Allen, paragraph 0024).

Regarding claim 3, Lai and Allen further teaches the RCD of claim 2 wherein processing the control signals and data received from the mobile phone comprises using the RCD to connect to a telephone call received by the mobile phone (see Lai, paragraph 0042-0044).

Regarding claim 4, Lai and Allen further teaches the RCD of claim 3 wherein the RCD transmits the audio data received from the mobile phone to one of the one or more peripheral devices to be audibly output (paragraph 0042-0044, see Allen, paragraph 0022, 0024).

Regarding claim 7, Lai and Allen further teaches the RCD of claim 1 wherein the signal received by the RCD from the mobile phone is a data selected from the group consisting of an SMS message, an MMS message, and an e-mail message (see Allen, paragraph 0022, 0024).

Regarding claim 8, Lai et al. and Allen further teaches the RCD of claim 7 wherein processing the received signal from the mobile phone comprises transmitting the data received from the mobile phone to one of the one or more peripheral devices to be output (see Allen, paragraph 0022, 0024).

Regarding claim 9, Lai teaches a remote control device (RCD) communicable with a mobile phone and one or more peripheral devices (fig.1, element 40), the RCD comprising:

means for controlling the mobile phone to ( paragraph 0042-0044):

process control signals and data received from the mobile phone (paragraph 0042-0044);

output data received from the mobile phone (paragraph 0040);

handle an incoming telephone call received by the mobile phone from a digital cellular network (DCN) (paragraph 0042-0044); and

Lai fails to specifically disclose controlling the one or more peripheral devices such that signals received from the mobile phone can be transmitted to the one or more peripheral devices. However, Allen teaches controlling the one or more peripheral devices such that signals received from the mobile phone can be transmitted to the one or more peripheral devices (paragraph 0022, 0024). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use as

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taught by Allen with Lai teaching in order to providing system and method for mitigating interruptions during television viewing, particularly with respect to interruptions caused by incoming communication requests.

Regarding claim 10, Lai and Allen further teaches the RCD of claim 9 further comprising:

processing means for processing control signals and data received from the mobile phone (see Lai, paragraph 0042-0044); a speaker for outputting audio signals received from the mobile phone (see Lai, paragraph 0040); and

a microphone for inputting audio data to be sent to the mobile phone (see Lai, paragraph 0040).

Regarding claim 11, Lai and Allen further teaches the RCD of claim 10 wherein the remote control device further comprises a user interface to control the output of data received from the mobile phone (see Lai, paragraph 0040, see Allen, paragraph 0024).

Regarding claim 12, Lai and Allen further teaches the RCD of claim 11 wherein the remote control device further comprises a video display to display video or text data received from the mobile (see Lai, paragraph 0040, see Allen, paragraph 0024).

***Allowable Subject Matter***

4. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Citation of Pertinent Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Hayes, Jr. et al.** (U.S.Pat-6295448) discloses Short distance communication and remote control capability for mobile telephones.

**Maymudes** (U.S.Pat-6748278) disclose Remote controlled system with computer-based remote control facilitator.

**Anvekar et al.** (U.S.Pub-20020068610) discloses Method and apparatus for selecting source device and content delivery via wireless connection.

**Erekson** (U.S.Pat-6622018) discloses Portable device control console with wireless connection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen  
Au: 2687

10/14/2005



LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER